

## MRDDA Contract Administration

<b>Policy and Procedure Number:</b> CA104	<b>Title:</b> Managing Emergency Procurements
<b>Effective Date:</b> April 18, 2003	<b>Revision Number:</b> 0.0
<b>Approvals:</b> Bureau Chief of Contract Administration, Bureau Chief of Program Integrity, and OCP	<b>Page</b> 1 of 1

### 1.0 Policy

Emergency Procurements are interim measures and are not to exceed one hundred twenty (120) business days in duration. Within five (5) business days of the original submission, the Bureau Chief of Program Integrity and the Bureau of Chief of Contract Administration shall outline a permanent solution to the problem that necessitated the emergency procurement. The timeframe for implementing the permanent solution shall be performed within thirty (30) business days. The OCP shall authorize the provider to start work on an emergency procurement pending the completion of the emergency procurement contract documents within sixteen (16) business days of emergency procurement request.

### 2.0 Scope

The scope of this document is to establish Contract Administration procedures for managing emergency procurements. The Emergency Procurements process shall involve the Bureau Chief of Contract Administration, the Case Manager, the Community Based Resource Specialists, the Services Management Specialists, the Budget Office and the Office of Contracts and Procurement (OCP).

#### Definition

An emergency procurement is defined by Title 27 DCMR, Sections 1710.1–1710.3, as follows:

- 1710.1 In accordance with 312 of the Act, the Director or his or her designee may approve a procurement on an emergency basis which does not otherwise comply with the requirements of the Act or this title if the procurement is essential to a District requirement to deal with an existing emergency condition, as defined in 1710.2.
- 1710.2 For purposes of an emergency procurement under this chapter, an “emergency condition” is a situation (such as a flood, epidemic, riot, equipment failure or other reason set forth in a proclamation issued by the Mayor) which creates an immediate threat to public health, welfare, or safety. The existence of an emergency condition creates an immediate need for supplies, services, or construction which cannot be met through normal procurement

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methods, and the lack of which would seriously threaten one (1) or more of the following:

- a. The health or safety of any person;
- b. The preservation or protection of property; or
- c. The continuation of necessary governmental functions.

The justification for emergency procurement shall not be based solely on internal governmental circumstances. An emergency procurement shall not be justified on the basis of any of the following circumstances:

- a. The lack of adequate advance planning for the procurement of required supplies, services or construction;
- b. Delays in procurement caused by administrative delays, lack of sufficient procurement personnel, or improper handling of procurement requests or competitive procedures; or
- c. Pending expiration of budget authority.

### 3.0 Procedures:

- 3.1 Case Managers shall forward emergency procurement requests to the Community Based Resource Specialist prior to placement, if possible. If a client must be placed, the Case Manager shall forward the request to the Community Based Resource Specialist within one (1) business day after placement.
- 3.2 The Community Based Resource Specialist shall establish a list of prospective providers and write a justification for the emergency procurement, as defined in Title 27 DCMR, Section 1710.1–3, to the Bureau Chief of Contract Administration within two (2) business days. This information package shall also include a written scope of work and the identity of the preferred provider.

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- 3.3 Immediately upon receipt of the emergency procurement request, the Bureau Chief of Contract Administration shall verify the legitimacy of the emergency pursuant to title 27 DCMR Section 1710.1-3 and immediately notify the OCP verbally and provide a listing of prospective providers, as well as identifying the preferred provider. The Bureau Chief of Contract Administration shall direct the Services Management Specialist to prepare documentation.
- 3.3.1 Based on the verbal request for an emergency procurement from the Bureau Chief of Contract Administration to the OCP, the OCP shall authorize the provider to begin work pending completion of the emergency procurement contract documents.
- 3.4 The Services Management Specialist shall prepare the following documents within two (2) business days for submission to the OCP through the Budget Office:
- 3-in-1 form
  - determination and findings (D&F) document
  - scope of services
  - potential list of providers with the preferred source identified
  - a cover memo that identifies that the request is for an emergency procurement and references the verbal discussion between OCP and the Bureau Chief of Contract Administration
  - date the contract needs to be in place
  - period of performance
  - independent government cost estimate
- The Services Management Specialist shall use the standard templates provided by OCP for preparation of the D&F.
- 3.5 The Services Management Specialist shall send the documents to the Budget Office for the pre-encumbrance of funds within one (1) business day.
- 3.6 Within two (2) business days of receipt of the documents, the Budget Office shall pre-encumber the funds and send the approved 3-in-1 form to the OCP.
- 3.7 The OCP shall verify the funding, negotiate the rates with the provider and shall return the 3-in-1 form to the Budget Office for full encumbrance within one (1) business day.

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- 3.8 The Budget Office shall fully encumber the funds and return the 3-in-1 to the OCP within one (1) business day.
- 3.9 The OCP shall develop the contract documents and send to provider for signature within three (3) business days.
- 3.10 The provider returns the signed contract to the OCP within one (1) business day.
- 3.11 The OCP shall sign the contract within one (1) business day and distribute copies of the signed contract to Accounts Payable and the Services Management Specialist.
- 3.12 The Services Management Specialist shall forward the contract document to the Community Based Resource Specialist within one (1) business day.

**Note:** No district government employee is authorized to bind the Government to a contractual arrangement with the exception of OCP representatives.

### 4.0 Process Flow

The attached process flow chart indicates the above steps, the roles and responsibilities of the parties, the expected outcome, and the number of days allocated to each step in the process.

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